

APPEAL NO. 040840  
FILED MAY 27, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 11, 2004. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that the respondent (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify the employer of his claimed injury pursuant to Section 409.001; and that the claimant has not had disability. The claimant appeals the hearing officer's determinations on all of the disputed issues. The carrier asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed.

The claimant had the burden of proof on the disputed issues of compensable injury, timely notice of injury to the employer, and disability. Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer, as the trier of fact, may believe that the claimant has an injury, but disbelieve that the injury occurred at work as claimed. Although there is conflicting evidence on the appealed issues, we conclude that the hearing officer's determinations are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **THE PHOENIX INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge